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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,291	10/06/2004	Yukihiro Tanizoe	MTS-3529US	6477
23122	7590	08/04/2008		
RATNERPRESTIA			EXAMINER	
P O BOX 980			DANIELS, ANTHONY J	
VALLEY FORGE, PA 19482-0980				
			ART UNIT	PAPER NUMBER
			2622	
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			08/04/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/510,291

**Applicant(s)**

TANIZOE ET AL.

**Examiner**

ANTHONY J. DANIELS

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3-11 and 14-16 is/are allowed.
- 6) ☒ Claim(s) 12 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/9/2008 has been entered.

### ***Response to Arguments***

1. Applicant's arguments regarding the independent claims 1,10-12 and 17 and the Japanese Publication of Osada have been fully considered but they are not persuasive.

The examiner appreciates the discussion that took place in the Interview conducted on 12/6/2007. However, due to a further examination of the Osada reference, the new examiner for this case has interpreted the Osada reference in such a way that would read on the limitations of the independent claims 12 and 17. Claims 1,10 and 11 are allowed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 12 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese Publication of Osada (JP 200—197067).

As to claim 12, Osada teaches a recording medium ([0026]) which holds a program and which can be processed on a computer (Drawing 1, system control part “16”), the program making a computer execute the color change detecting step of performing color change detection regarding the result of image capture ([0064], “... $AGH = |G01 - G12|...$ ”; *{The examiner interprets the color change as  $|G01 - G12|$  as  $G$  is a color and the subtraction (detection) of two pixels represents a change in color in between to portions of the image.}*) which is performed using a plurality of types of color filters which are arranged based on repetition of a pattern determined in advance (Drawing 2), a luminance change detecting step of performing luminance change detection regarding the result of said image capture ([0064], “... $AGV = |G01 - G10|...$ ”; *{The examiner interprets the luminance change as  $|G01 - G10|$  as  $G$  is commonly known in the field of optics to represent a luminance in an image. The human eye is particularly sensitive to green; and as such, represents a general level of brightness.}*), and the luminance signal generating step of performing luminance signal generation regarding the result of said image capture ([0066], “...luminance data YH is created...” based on a comparison between the result of said color change detection and the result of said luminance change detection ([0065], “... $AGV - AGH...$ ”; *{The difference of the  $AGV$  and  $AGH$  is the comparison and as stated in paragraph 0065, the horizontal luminance value will be generated in SS628 if the difference is greater than a criterion value.}*).

As to claim 17, Osada teaches an image signal processing apparatus (Drawing 1), comprising: image capturing element (Drawing 1, image pick-up part “18”) operable to capture

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an image using a plurality of types of color filters which are arranged based on repetition of a pattern determined in advance (Drawing 2); color change detector operable to perform color change detection regarding the result of said image capture ([0064], "... $AGH = |G01 - G12|...$ "; *{The examiner interprets the color change as  $|G01 - G12|$  as  $G$  is a color and the subtraction (detection) of two pixels represents a change in color in between to portions of the image.}*); luminance change detector operable to perform luminance change detection regarding the result of said image capture ([0064], "... $AGV = |G01 - G10|...$ "; *{The examiner interprets the luminance change as  $|G01 - G10|$  as  $G$  is commonly known in the field of optics to represent a luminance in an image. The human eye is particularly sensitive to green; and as such, represents a general level of brightness.}*); and processor operable to generate a luminance signal regarding the result of said image capture ([0066], "...luminance data YH is created...") based on a comparison between the result of said color change detection and the result of said luminance change detection ([0065], "... $AGV - AGH...$ "; *{The difference of the AGV and AGH is the comparison and as stated in paragraph 0065, the horizontal luminance value will be generated in SS628 if the difference is greater than a criterion value.}*).

#### ***Allowable Subject Matter***

1. Claims 1,3-11 and 14-16 are allowed.

The following is an examiner's statement of reasons for allowance: As to claim 1, the prior art of record does not teach or fairly suggest apparatus comprising: color change detecting means of performing color change detection regarding the result of image capture; luminance change detecting means of performing luminance change detection regarding the result of said

image capture; and luminance signal generating means of performing luminance signal generation regarding the result of said image capture based on a comparison between the result of said color change detection and the result of said luminance change detection, wherein a dot-like pseudo signal is generated in said luminance signal at a color change point and is suppressed at said color change point where said result of said color change detection exceeds a predetermined level regarding said result of said luminance change, in combination with the rest of the claim. As to claims 10 and 11, claims 10 and 11 are an apparatus claim and a method claim, respectively, substantially similar in scope to the apparatus claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. DANIELS whose telephone number is (571)272-7362. The examiner can normally be reached on 8:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AD

7/28/2008

/Lin Ye/

Supervisory Patent Examiner, Art Unit 2622